

Remarks

Claims 1-20 are currently pending in this application, where Claims 1 and 17 are independent claims. Claims 1 and 17 have been amended to slightly change their respective wordings. It is respectfully submitted, however, that these amendments do not affect the issues of the restriction requirement or narrow the scopes of these claims.

The above-mentioned restriction requirement requires election between Group I, Claims 1-16, and Group II, Claims 17-20. An election of Group II has been made above, with traverse. Applicant respectfully traverses this restriction requirement for at least the following reasons.

It is noted that the restriction requirement alleges that Groups I and II correspond to “subcombinations disclosed as usable together in a single combination.” This type of restriction requirement is discussed at MPEP § 806.05(d). However, given that Group I corresponds to apparatus and Group II corresponds to method, these are not related as subcombinations. As noted, e.g., at MPEP § 806.05(a), “A combination is an organization of which a sub-combination or element is a part.” Therefore, as a first observation, it is respectfully submitted that this type of restriction requirement is inappropriate for the types of claims in Groups I and II.

It is also noted that, even if this restriction requirement were appropriate to the types of claims in Groups I and II, as noted in the restriction requirement at page 2, “The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable.” In the present restriction requirement, again at page 2, it says that “subcombination I has separate utility such as the first bearer setup request when generated at the first application level entity

being free of a network address identifying the network location of the selected bearer manager.” First, this is not a statement of utility; this is a statement of an element of the claims (in particular, given that this relates to Group I, an element of Claim 1 and its dependent claims). Second, this is a statement of an element that also exists in the claims of Group II (see, e.g., Claim 17). Therefore, it is respectfully submitted that the burden of showing separate utility has not been met, and therefore, for this additional reason, the restriction is improper.

Finally, it is noted that, except for corresponding similar amendments made to independent Claims 1 and 17, the claims have previously been considered and searched. It is, therefore, further submitted that no serious burden is caused by examining all claims pending in this application and that the restriction is, for this reason, too, improper.

Conclusion

Applicant believes that the above election and remarks fully address the restriction requirement. Applicant, therefore, respectfully requests prompt and favorable reconsideration of this application, in view of the election/remarks and the amendments above.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

/Jeffrey W. Gluck/

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